

GENERAL AND REVENUE SECRETARIAT.

1892-3
191.
(In. W. War)

File No. 254

Serial Nos.

Papers Filed.

Month_____

SUBJECT.

Disposal of a suit brought by Venkannachar
against the Dy. Commr. & others in the Honnali
Sub Division in Mysore's Court in connection with the Swan
lands attached to the Mallikarjuna Devaru temple
at Kanchiganahalli, Honnali Taluk.

PREVIOUS REFERENCES

LATER REFERENCES

1892-3

memo.

This is a dispute regarding a piece of land belonging to Mallikarjuna Swamy Temple in the Kunchigumhalli village of the Haveri Taluk.

Kunchigumhalli is a jodi land village enjoyed by Venkumathari, Ramathari and other brothers. The extent of the whole village is ^{acres} 335-58.

There is a suit brought against Ramathari by his brother Venkumathari that the defendant has been enjoying a piece of land belonging to No 162 now in possession of the plaintiff. The P. of Shiwaga is made 2nd defendant in the suit.

As per Register Called '200 S' of the year 200 the Price of the land No 161 which is 'Shiwaga' is Rs 3-12-6

The plaintiff failed to give 2m on this notice previous to his filing a suit as required by Section 424 of the C. P. C.

The Survey Superintendent in his Gado No 1003 dated 19th March 1892 to the Dy. Commr. states that

that the village has been surveyed in detail, but the settlement is not yet completed.

Details of land as per District Report of the Hamali Subki:—

old no	Extent K. C. P.	Former assessment.	District payable	Survey Area Ac. & guntas
174.	0—2—4½	3—12—6	2—4—0	1—51

The extent of the land as per Amildar's report no:

1128 dated 16th April 1892, is 1 Acre & 51 guntas.

The land in dispute is included in Survey no: 161. The Amildar reports that this no:

Consists of 8 pieces of which 3 belong to the Temple, but these 3 pieces ^{were not possible to} ~~cannot~~ be separated from the other 5. (Vide Amildar's no: 1208 dated 3/5/92)

Plaintiff says that he has no documents to show the exact extent of his Pateli Amboli land viz no 162.

The whole extent of Survey no 162 inclusive of the three pieces of land ^{disputed land} belonging to Mallikarjuna Swamy Temple is 29 acres & 39 guntas; of which, the Shambhoo says that 10 acres & 35 guntas do not belong to no: 162. If this fact be true the correct extent of the no: 162 ^{should be} ~~is only~~ 19 acres & 44 guntas but

but the Amildar says that it is only ^{acres} 18-14
thus giving a difference of 30 guntas.

There cannot be a difference of only 20 guntas
as the Amildar says but it ~~is~~ is 1 ac & 20 guntas.
thus each statement contradicts the other

The extent of the Duan land of the Temple
as per Sheristadar's Report ~~is~~ dated 25-4-92
is only 1840 & 3/4 as pointed out by Venkannah.
but the Shambhagire says it is 10649 & 3/4.

Notes.

1. The 3 Hales measure 6416 sq yds or 1 ac 13 guntas.
2. The extent of the Inam land accordg to the Inam Settlement is 1 ac 20 guntas 18 yds.
3. There is a small excess in both the Temple Inam as well as in the Patel Kumbli land.
4. The party failed to give notice of his intention to file a suit against the 2nd Deft- as required by Sectⁿ 1424 of the C.P.C.
5. The temple was in enjoyment of its land for many years, the Plaintiff who has more than what he should actually have is not entitled to the claim.
6. The 2nd Deft is not liable to be sued. & thus requests the costs be ordered to be paid by the party who sues.

Who has made him a party to
the suit.

7. The Temple in question is not
endowed with any Govt allowance
from Govt

8. The acct for the receipts & Expend
of the Temple are not rendered to
Govt & further the receipts &
Expend of the distribution are
not shown in the Muzrai

• Returns submitted to Govt

Therefore the Temple is not under
Muzrai or Govt management

9. The cause of action arose
at Kanchi ~~Madurai~~ on 5/11/71

10. 1st Deft. states in his depositions
that the field no lot in suit
has been reserved by Govt &
its right to the management of
the Temple with its endowments.

11. The 3 plots in suit have always formed part of field no 161. At no time did the 3 plots appertain to the Pateli Humbli no 162.

12. The Temple is entitled to the Jari part of the assessment viz 14 out of 20 hanams. 6 hanams i.e. Rs 2/7 are paid to Govt & include local funds.

13. Survey no 161 is inam land attached to Mallikarjuna Devam at Kanchappaiahally Honnali Taluk.

14. Survey no 162 is the Pateli Humbli land.

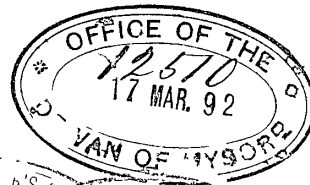
15. Plaintiff says that Deft has taken illegal possⁿ of the 3 plots of land called "Hais" land.

to Patel Munkhi Land Survey
no 162.

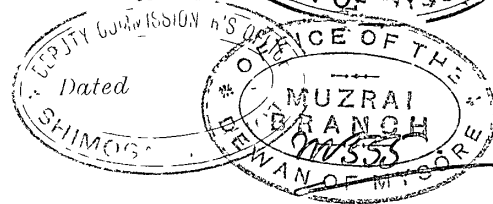
17. Arib oent Rept shows that
Munkhi Karjina 7 couples
owns land measuring 2
Kotras = $4\frac{1}{2}$ Paddies

(General Serial No. 30)

189



From



To

The Chief Secretary to the Dewan of Mysore.

Dated 11th March/92

Despatched

Received 16th March/92

Enclosures No. 1 file.

General No. 990
No. 940

Reports that one Ven-
kanna Chavasi of Nen-
chitpurnalli has filed
a suit against one Rama
Chavasi of Annali for
recovery of field no 162
in which the 1st Court
has been summoned as 2^d
defendant and solicits
orders on the subject.

To Muzrai Secretary
Muz
16/3/92

together with a
draft of written
statement or answer
which he proposes to
file in the Court -
Meanwhile ask
him to have the
Court for adjourning the
case to a distant
date and
to Messrs. C. S. &
P. Code

as
18/3/92
133
17-3-92

Head clerk
ask to be followed
& submit only to inform
called for from
former with as to
to measurement of
the same
(P. J. G.)

No. 50. 126

Deputy Commissioner's Office
Munioa District

11th March 1892

Camp Sorab.

To The Chief Secretary to the Dewan
of Mysore

Sir, I have the honor to report that one Venkannachari of Kanchayanahalli village Honnali Taluk has filed a suit against one Ramachari of the same village in the Court of the Munsiff of Honnali (O.S. No 620 of 1891) for the recovery of possession of part of a field No 162.

2 The aforesaid Court has, at the instance of the Defendant, summoned the Deputy Commissioner being Magistrate as 2^d Defendant in the suit.

3. The case is as follows:—

(a) The field No 161 which is the endowment for Mallikarjuna Devan temple is situated by the side of the field No. 162 in dispute Defendant Ramachari is the cultivator of field No 161. This Defendant has taken illegal possession of the 3 plots or "Hale's" of the field

No 162. The Plaintiff therefore prays for the repossession of the land in question.

(6). Defendant Ramachari in his defence contends that the disputed land belongs to field No 161 which is the endowment of Mallikarjuna Devana temple and that it forms no part of the field No. 162 as alleged by the Plaintiff.

4. From Quit-rent Register it will be seen that according to "Inaji - Diggavari" the Mallikarjuna temple owns only land measuring 2 "Holasas" and $4\frac{1}{2}$ "Pachas". The Inam and survey departments have been requested for information as to its equivalent measurement as per the settlement of those departments.

5. According to Revenue Rules XLIV para 9, copy of plaint as well as statement given by Defendant Ramachari and the summons are enclosed.

6 This case being posted for hearing on the 22^d instant, I solicit orders on the subject.

7. There seems no reason why the Deputy Commissioner should be summoned as a Defendant at the instance of Ramachari, the Defendant proper in the suit.

I have the honor to be Sir
Your most obedient servant

Abdul Rahman,
Deputy Commissioner
Muzaffargarh

(General Serial No. 30).

1892

Page

To

Shady Commission
Shimoga Dist.

262
257

Dated 18 March/92

Despatched 18

Received

Enclosures No. 1 file

General No.

On No. 578 R.

This No. 990 of the 11th
instant.

The reference to the
above has the honor
to request that the
information called
for by him as to the
measurement of the
Inam lands attached
to the Mallikarjuna
Devaru at Hanchi-
ganahalli, Honnali
Taluk, may be obtain-
ed and forwarded to
this office at an early
date together with

with ~~copy of~~^a draft of
written statement ~~to be filed at~~
~~and merits to be tried at~~
~~which be proposed by~~
~~by him in the court~~
smt

2. In the meantime
the court may be
~~advised~~^{advised} to adjourn
the date of hearing
to some distant
date as under
section 422 of the
Mysore Civil Pro-
cedure Code.

3. The enclosures
are returned for
reference and resub-
mission

By order

as

Secretary

b.v.

MUZARAYI.

(General Serial No. 30.)

1892.

From

13/7/92
368
The Deputy Commissioner
Shimoga Dt.
(Camp Mysore)
Dated 22 June 1892
Despatched 23.

Received

Enclosures No.

General No. 298
No. 2

13/7/92
368
His No. 262 of the 9th inst
251 written
forwarding a draft statement
with records regarding the
suit brought by Venkannaiah
against the Deputy Commr
and others in the Honnali
sub division Munsiff's Court,
in connection with the Sham
lands attached to the
Mallikarjuna Devaru -
temple at Kanchiganahalli,
Honnali Taluk.

With reference to the
above

has the honor to forward
herewith a revised statement
as amended by this office
and to request that the
same may be fair copied
and filed in the courts.

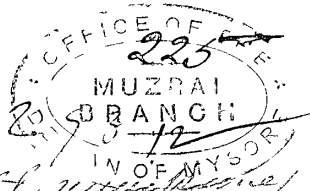
I anticipate the result of this in due course
and that a copy of the
judgment ^{of the case} may be obtained
and forwarded to this
office for information.

"By order"

W
Secretary

(General Serial No 30)

1892



From the Deputy Commissioner
Mysore District

To the Deputy Commissioner
Mysore District

Dated 13th Dec 1922.

Despatched

Received

Enclosures No. —

General No. 2.
No. —

424
18
22
The 10th Dec 1922 is the date
of the 10th Dec 1922. It is stated that
the suit in the file
of the 10th Dec 1922 is
not yet been withdrawn
by the 10th Dec 1922.
The 10th Dec 1922 is the date
of the 10th Dec 1922.

ask to DC

to send a copy
of the order of
the 10th Dec 1922
herewith
of the 10th Dec 1922
as

15/12/22

Carat

1892-93

From The Deputy Commissioner,
Municipal District.

To The ~~Chief~~ Secretary to the
Municipal Department

Date d 18th July 1892.

No. 298

Re Follet No 298 dated 22nd
Ultimo regarding the suit brought
by Venkannachan against the
Deputy Commissioner.

With reference to the above
has the honor to state that the
Munsiff of Bannali writes to
say that the Original suit on
the file of this Court has been
withdrawn by the Plaintiff
in the 11th District.

Michael Robinson, Munsiff,
Deputy Commissioner.

MUZARAYI.

(General Serial No. 30.)

1892_a

From

To

The Dy Commissioner
Shimoga Distt.

Dated 15 July 1892-

Despatched 18

Received

Enclosures No.

General No.

No.

His Docket No. $\frac{384}{368}$ D7

13th July 1892, stating that
the ~~Suit~~ ^{draft by Vakam} ~~on the file of the~~
~~on the~~ ^{on the} ~~Foundali Munsiff's Court~~
has been withdrawn by the
Plaintiff on the 11th instant.

With reference to the
above, has the honor to
request that a copy of
the order of the Munsiff,
permitting^{the} withdrawal of
the suit, maybe obtained
and forwarded to this office
at an early date.

B.O.
CS
Secretary

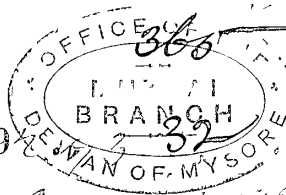
18/7/92

General

in the

Heas
18/7/92

(General Serial No. 30.)



From *the Deputy Commissioner*
of Bangalore District

To *The Secretary to the Government*
of Mysore District

Dated *18th September, 1922*

Despatched

Received

Enclosures No. *1*

General No. *621*
No. *424*

With ref. to letter No. 424
of 15th July last, concerning
copy of the order issued
by the Government
in S.O. No. 1581,
on the 15th.

1892-93

From the Deputy Commissioner
to the Secretary to the Government

Hydrabad, 10th September 1892

No 601 Est.

His Excellency No 424 dated 15th

July last -

In reference to the above,
has the honor to forward for
information copy of the order
passed by the Honorable Board
of Revenue in No 500 of 1891 on the
note of his Court -

Abdul Wahab,
Deputy Commissioner

Formali, the 11th Dec. of 1891.
Before (Borden Sheriff's Office, N. H.
D. S. 11th Dec. of 1891.



- The plaintiff appears in person,
and ~~the~~ defendant is represented by
Seth Warner, 2nd grade pleader. In
one appears on behalf of the Corp. &
Commissioner of the Sh. & S. Co.
The plaintiff prays in an application,
praying for permission to withdraw
from the case -

The plaintiff is, however, entitled to
with-draw from the T. & T. Co.
not at liberty to bring a second

sent.

2. The plaintiff should pay the
costs incurred by 1st defendant in
the case.

Rejoice Roden Sheriff

Memphis

11th July 1892

"Copy"

Roden Sheriff
Memphis

Plaintiff
In the Court of the Honorable
O.S. No 620 of 1871

Plaintiff	Defendant
Venkannachar or Srinivasachar, Saramdar of Kanchigamachally.	1. Rammachar or Srinivasachar of Kanchigamachally, 2. Deputy Commissioner Shimoga District.

Written statement tendered by 2nd Defendant

The Temple of Mallikarjuna Devar
and its endowment - viz the Income
land No 161 referred to in the plaint
not being directly under the manage-
ment of the Muzara Officer, and
the Deputy Commissioner having
passed no orders in the matter -
affecting the claims of either of the
parties, to the land in dispute

he has been needlessly dragged into the court, and he therefore claims his full costs.

2 Since he has been made a party to the suit he lays before the Court for its consideration the following facts in connection with the Temple Juan land, as gathered from the public records.

3 The Plaintiff is the holder of the Parcel Public land N^o 162 and the 1st Defendant who is the brother of the Plaintiff holds the Temple Juan land N^o 161 adjoining no 162, as a tenant under the Temple. According to the Juan Settlement the extent of the Temple Juan in question is 1 acre 20 quentas and 18)

yards But the Paimarshe Patle as also
the Suamdar's statement, filed at
the time of the Suam Settlement
(which both documents bear the signatures
of the plaintiff, 1st Defendant and
their other brothers) gave the extent
of the Temple land at 9000 square
yards, equal to 1 acre 34 guntas
and 45 yards i.e. 14 guntas more
than the ~~settled~~ ^{confirmed in the Suam Settlement} extent, but the
area actually in possession of the
Defendant as Temple land,
measures 2 acres and 17 guntas
or 23 guntas more than the extent
given by both parties in the Paimarshe
Patle, and the Suam statement
referred to above.

5 Similarly plaintiff's Patel

Humli land NE 162, to which plaintiff contends the plaint land also should be added as its part, is only 17 acres and 24 gumbas according to the Shanboque's Patani account of 1885, whereas its actual measurement within the limits pointed out by the Shanboque as, ^{being} Patel Humli land is 18 acres and 14 gumbas, the excess being nearly 1 acre. The plaintiff not being satisfied with this excess, claims 11 acres more; thereby he wants to make it appear that Patel Humli land actually consists of 29 acres and 37 gumbas.

5. Thus the Court will perceive both the plaintiff and Defendant

are each in possession of more than
the recorded extent. But the plaintiff
wants to limit the holding of the
1st Defendant strictly to the extent
shown in the accounts; but he does
not want the same rule to be
applied to himself. Unless the
Plaintiff could show that he has
better title to the plaint land than
the 1st Defendant, he cannot oust
the latter from his long possession.

6. The plaintiff and the 1st Defendant
being brothers, the present suit
is either the result of collusion or
spite.